

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALLISON MAY aka BLANCHARD,

Plaintiff,

v.

Case No. 8:20-cv-2734-AEP

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Unopposed Petition for Attorney's Fees. (Doc. 18). By the motion, Plaintiff seeks attorney's fees in the amount of \$3,733.50 and reimbursement of the filing costs in the amount of \$400.00 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On September 20, 2021, this Court entered an Order reversing the decision of the Commissioner under sentence four of 42 U.S.C. § 405(g) and remanding the case to the Commissioner for further administrative proceedings. (Doc. 16). Thereafter, the Clerk entered judgment in Plaintiff's favor. (Doc. 17). As the prevailing party, Plaintiff now requests an award of attorney's fees. *See* 28 U.S.C. § 2412(d)(1)(A); *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner does not oppose the requested relief. After issuance of an order awarding EAJA fees, however, the United States Department of the

Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Unopposed Petition for Attorney's Fees (Doc. 18) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$3,733.50. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees (Doc. 18-2).

3. Plaintiff is awarded costs in the amount of \$400.00.

DONE AND ORDERED in Tampa, Florida, on this 10th day of November, 2021.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record